

IN RE: PETITION FOR SPECIAL HEARING
E/S Old York Road, 1150' N
of Enzor Road
(20135 Old York Road)
7th Election District
3rd Councilmanic District
Henry C. Stull, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-156-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Henry C. and Helen A. Stull. The Petitioners seek approval of an addition to the existing farm house to provide living quarters for their son and daughter-in-law, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Stanley H. and Betty Lou Stull, the Petitioners' son and daughter-in-law. There were no Protestants.

Testimony indicated that the subject property, known as 20135 Old York Road, consists of 106 acres, zoned R.C. 2 and is improved with a single family dwelling and accessory outbuildings. The Petitioners are desirous of building an addition to the existing dwelling to provide living quarters for their son and daughter-in-law in accordance with Petitioner's Exhibit 1. Mr. Stanley Stull testified that he and his wife would like to move back to the farm to look after the property and care for his parents. Testimony revealed that Mr. & Mrs. Stanley Stull owned an adjoining farm on West Liberty Road and that they recently sold their property to move back home with Mr. Stull's parents. Due to the fact that the proposed addition will include kitchen and bathroom facilities, the addition will be treated as a second dwelling unit on the property. Therefore, a special hearing is needed to approve two dwelling units on the property.

Here in Baltimore County and elsewhere around the country more and more children are finding it necessary to care for their aging parents. The relief sought in the instant case is becoming more common due to the fact that individuals are living longer and finding it necessary to have someone look after them. The special hearing requested avoids the need to place relatives in nursing homes or elder care facilities.

It should also be noted that the Petitioners' request has been approved by the Office of Planning and Zoning and the Department of Environmental Protection and Resource Management insofar as this property is located within the Agricultural Preservation Program. The Petitioners' request does not conflict with the agricultural easement so long as the addition is used by the same family.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of November, 1993 that the Petition for Special Hearing to approve an addition to the existing farm house to provide living quarters for their son and daughter-in-law, in accordance with

Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition shall be occupied only by the Petitioners' son and daughter-in-law, Stanley H. and Betty Lou Stull. The addition shall not be occupied by any other individuals, including other family members, without a public hearing to determine the appropriateness of same. In the event Stanley and Betty Lou Stull no longer reside in the proposed addition, then all kitchen facilities provided therein shall be removed and the dwelling reconverted back to a single family dwelling.
- 3) In the event the Petitioners desire to sell the subject property, it shall be listed and sold as a single family dwelling and shall in no way be represented as a two-family or two apartment dwelling.
- 4) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits, the Petitioners shall cause a copy of this Order to be recorded in the Land Records of Baltimore County so that any potential purchaser of the property will be on notice that this property can only be conveyed as a single family dwelling.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 867-1396

Mr. & Mrs. Henry C. Stull
20135 Old York Road
White Hall, Maryland 21161

RE: PETITION FOR SPECIAL HEARING
E/S Old York Road, 1150' N of Enzor Road
(20135 Old York Road)
7th Election District - 3rd Councilmanic District
Henry C. Stull, et ux - Petitioners
Case No. 94-156-SPH

Dear Mr. & Mrs. Stull:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 867-1391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Stanley H. Stull
20120 West Liberty Road, White Hall, Md. 21161

People's Counsel

File

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 20135 Old York Rd, White Hall Md 21161
94-156-SPH which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 200.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

AN ADDITION TO THE EXISTING FARM HOUSE TO ALLOW MEAND MRS STULL'S SON AND DAUGHTER-IN-LAW TO BE AVAILABLE TO THEM. THIS IS AN RC-2 ZONING MEAND MRS STULL HAVE LIVED ON THIS PROPERTY SINCE 1946.

THIS WILL ALLOW TWO LIVING UNITS ON ONE LOT IN AN RC-2 ZONE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, pending, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchased/Lessor:
(Type or Print Name)
Signature
Address
City State Zip

Legal Owner(s):
Henry C. Stull
(Type or Print Name)
Henry C. Stull
Signature
Helen A. Stull
(Type or Print Name)
Helen A. Stull
Signature

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zip

20135 Old York Rd, 357-8874
White Hall md. 21161
Name, Address and phone number of representative to be contacted.
Stanley Stull
20320 W. Liberty Rd
White Hall Md. 21161 357-4946
Address Phone No.

ESTIMATED LENGTH OF HEARING (minutes)
the following date Next Two Months
ALL OTHER DATE
RECEIVED BY DATE

EXAMPLE 3 - Zoning Description - 3 copies

94-156-SPH

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 20135 OLD YORK RD, WHITE HALL MD 21161
(address)
Election District 7 Councilmanic District 3

Beginning at a point on the EAST side of OLD YORK
(north, south, east or west)
Rd which is 50'
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 1150 NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street ENSOR RD
(name of street)

which is 50' wide. *Being Lot #
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of DEED
(name of subdivision) as recorded in _____

LIBER # RJS 1458, Folio # 399, containing
106 ACRES
(square feet and acres)

RJS1458

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio 399" and include the measurements and directions (meters and bounds only) here and on the plat in the correct location.

Example of meters and bounds: N.87' 12' 13" E. 321.1 ft., S.18' 27' 03" E.87.2 ft., S.62' 19' 00" W. 318 ft., and N.08' 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/21 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21 1993

THE JEFFERSONIAN,

A. Henrichsen
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

OCTOBER 13, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

20135
Case Number: 94-156-SPH (Item 152)
2000-Old York Road
E/S Old York Road, 1150' N of Enzor Road
7th Election District - 3rd Councilmanic
Petitioner(s): Henry C. Stull and Helen A. Stull
HEARING: WEDNESDAY, NOVEMBER 15, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an addition to the existing farm house allowing two living units on one lot.

Calvin

Raymond Johnson
Director

on: Henry and Helen Stull
Stanley Stull

NOTES: (1) HEARING CARD A POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DAY.
(2) HEARING IS PUBLIC/OPEN ACCESSIBLE; FOR SPECIAL ACCESSIBILITY PLEASE CALL 867-1393.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 867-1391.

ORDER RECEIVED FOR FILING
Date 11/23/93
By File

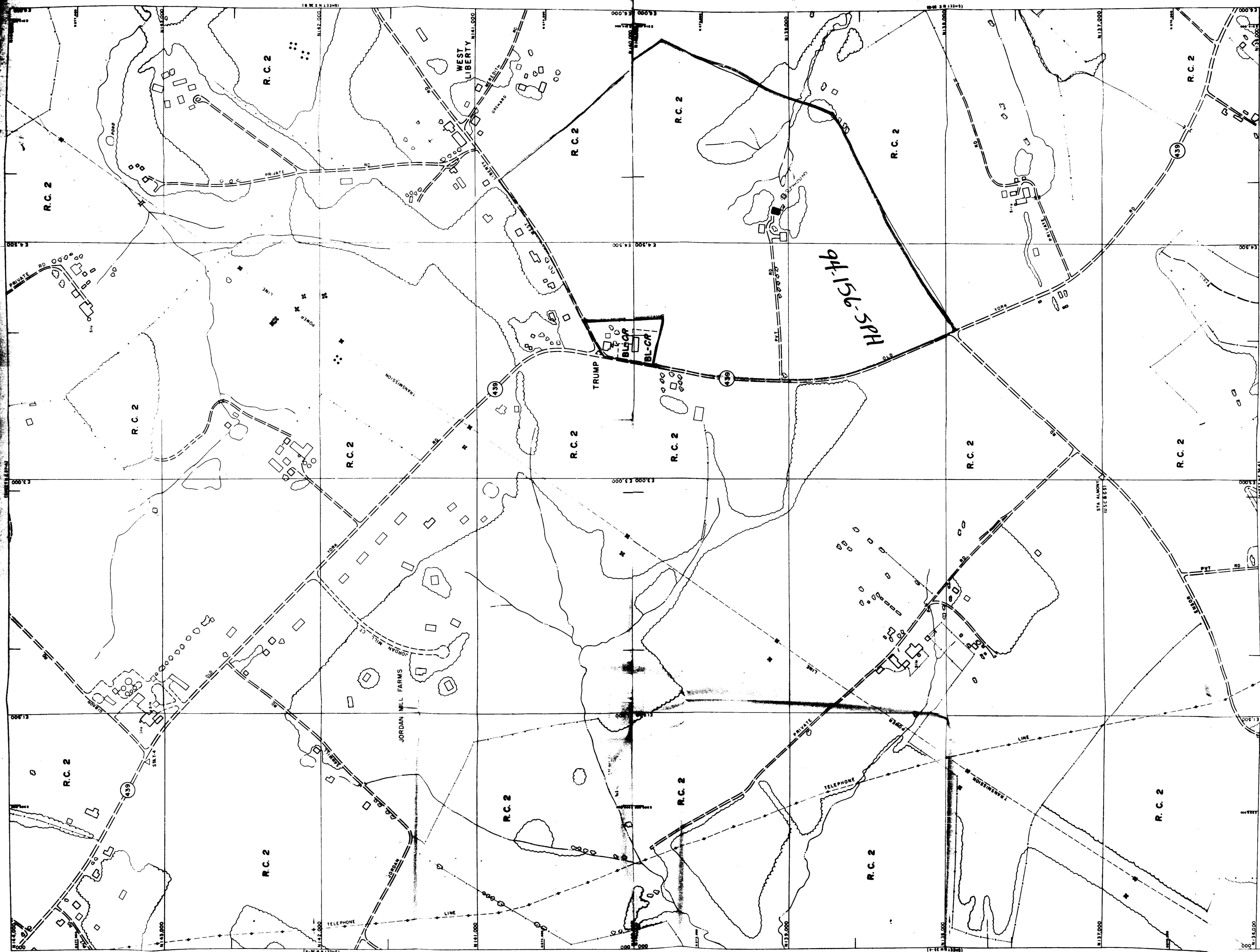
ORDER RECEIVED FOR FILING
Date 11/23/93
By File

ORDER RECEIVED FOR FILING
Date 11/23/93
By File

- 2 -

- 3 -

ORDER RECEIVED FOR FILING
Date 11/23/93
By File



BALTIMORE COUNTY		1992 COMPREHENSIVE ZONING MAP		SCALE	LOCATION	SHEET
OFFICE OF PLANNING AND ZONING		Adopted by the Baltimore County Council Oct. 15, 1992		1" = 200'	NORTHWEST OF SHANE	N.E.
OFFICIAL ZONING MAP		DATE OF PHOTOGRAPHY JANUARY 1990				39-4

THIS MAP WAS REVIEWED BY SELECTED AREAS
TOPOGRAHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BACOMPT-DOUG, INC. BALTIMORE, MD 21210

KK-NE NN-NW
RR-SE SS-SW

94-156-95-46

WEST LIBERTY

JORDAN MILL FARMS

TRUMP

BL-CP

R.C. 2

PRIVATE

POWER LINE

TRANSMISSION LINE

TELEPHONE

ST. ALMONY

USC 8 WEST